

Environment Protection Licence

Licence - 1323

Information about this licence

Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).



Environment Protection Licence

Licence - 1323

The EPA publication “A Guide to Licensing” contains information about how to calculate your licence fees. The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

This licence is issued to:

MAXWELL VENTURES (MANAGEMENT) PTY LTD
PRIVATE MAIL BAG 9
MUSWELLBROOK NSW 2333

subject to the conditions which follow.

Environment Protection Licence

Licence - 1323

1 Administrative Conditions

A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity	Fee Based Activity	Scale
Coal works	Coal works	0 - 2000000 T annual handing capacity
Mining for coal	Mining for coal	0 - 500000 T annual production capacity

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
MAXWELL UNDERGROUND COAL MINE PROJECT
THOMAS MITCHELL DRIVE
MUSWELLBROOK
NSW 2333
PREMISES BOUNDARY AS SHOWN ON DRAWING TITLED "MAXWELL UG PROJECT EPL PREMISES BOUNDARY" DATED 21/05/2021 (DOC21/462356-4)

A3 Other activities

A3.1 This licence applies to all other activities carried on at the premises, including:

Ancillary Activity
Extractive activities

A4 Information supplied to the EPA

A4.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

Environment Protection Licence

Licence - 1323

- a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and
- b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

<i>Air</i>			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
8	Particulate Matter Monitoring		Monitoring location "ES-01" at coordinates 303404, 6420313 (Easting, Northing) as shown on plan titled "Maxwell UG Project Air Quality Monitoring Locations" dated 11 May 2021.
9	Particulate Matter Monitoring		Monitoring location "ES-02" at coordinates 305573, 6415968 (Easting, Northing) as shown on plan titled "Maxwell UG Project Air Quality Monitoring Locations" dated 11 May 2021.
10	Particulate Matter Monitoring		Monitoring location "ES-03" at coordinates 305162, 6419038 (Easting, Northing) as shown on plan titled "Maxwell UG Project Air Quality Monitoring Locations" dated 11 May 2021.
11	Particulate Matter Monitoring		Monitoring location "ES-04" at coordinates 304203, 6417889 (Easting, Northing) as shown on plan titled "Maxwell UG Project Air Quality Monitoring Locations" dated 11 May 2021.

P1.2 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

P1.3 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
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Environment Protection Licence

Licence - 1323

3	Discharge to utilisation area. Effluent volume monitoring.	Discharge to utilisation area. Effluent volume monitoring.	Utilisation area as shown on Drayton Coal Pty Ltd's Map No. ENV-0005, dated 12-MAR-2009.
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P1.4 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

Noise/Weather

EPA identification no.	Type of monitoring point	Location description
12	Meteorological Station	Monitor labelled "Met Station" at coordinates 305436 6420494 as shown on plan titled "Anglo American Drayton Mine Air Quality Monitoring Locations" dated November 2016.
13	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location BM1 (EPA Monitoring Location 13) at coordinates 304200, 6422371 (Easting, Northing) as shown on plan titled "Maxwell UG Project Blast Monitoring Locations" dated 21 May 2021.
14	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location BM2 (EPA Monitoring Location 14) at coordinates 298813, 6407512 (Easting, Northing) as shown on plan titled "Maxwell UG Project Blast Monitoring Locations" dated 21 May 2021.
15	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location BM3 (EPA Monitoring Location 15) at coordinates 292895, 6410964 (Easting, Northing) as shown on plan titled "Maxwell UG Project Blast Monitoring Locations" dated 21 May 2021.
16	Noise monitoring	Monitoring location NM1 (EPA Monitoring Location 16) at coordinates 306016, 6420858 (Easting, Northing) as shown on plan titled "Maxwell UG Project Noise Monitoring Locations V3" dated 28 July 2021. Representative of receiver 411 as outlined in "Maxwell Project Appendix I Noise Impact Assessment" dated 13 June 2019.
17	Noise monitoring	Monitoring location NM2 (EPA Monitoring Location 17) at coordinates 304949, 6422155 (Easting, Northing) as shown on plan titled "Maxwell UG Project Noise Monitoring Locations V3" dated 28 July 2021. Representative of receiver 403 as outlined in "Maxwell Project Appendix I Noise Impact Assessment" dated 13 June 2019.

Environment Protection Licence

Licence - 1323

18	Noise monitoring	Monitoring location NM3 (EPA Monitoring Location 18) at coordinates 298037, 6407215 (Easting, Northing) as shown on plan titled "Maxwell UG Project Noise Monitoring Locations V3" dated 28 July 2021. Representative of receiver 227F as outlined in "Maxwell Project Appendix I Noise Impact Assessment" dated 13 June 2019
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3 Limit Conditions

L1 Pollution of waters

- L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.
- L1.2 The proponent must install works and operate them to ensure that the Access Road and Rail Loop Dams do not overflow or discharge saline water from the Premises; or that they only discharge saline water from the Premises in accordance with the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation (2002).

Note: Saline water is defined in the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation (2002).

L2 Volume and mass limits

- L2.1 For each discharge point or utilisation area specified below (by a point number), the volume/mass of:
- liquids discharged to water; or;
 - solids or liquids applied to the area;
- must not exceed the volume/mass limit specified for that discharge point or area.

Point	Unit of Measure	Volume/Mass Limit
3	kilolitres per day	140

L3 Noise limits

- L3.1 Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2.

POINT 16

Environment Protection Licence

Licence - 1323

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	Day-LAeq (15 minute)	Monthly	45
Evening	Evening-LAeq (15 minute)	Monthly	41
Night	Night-LAeq (15 minute)	Monthly	41
Night	LAmix	Monthly	52

POINT 17

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	Day-LAeq (15 minute)	Monthly	44
Evening	Evening-LAeq (15 minute)	Monthly	40
Night	Night-LAeq (15 minute)	Monthly	40
Night	LAmix	Monthly	52

POINT 18

Time period	Measurement parameter	Measurement frequency	Noise level dB(A)
Day	Day-LAeq (15 minute)	Monthly	40
Evening	Evening-LAeq (15 minute)	Monthly	35
Night	Night-LAeq (15 minute)	Monthly	35
Night	LAmix	Monthly	52

L3.2 For the purposes of condition L3.1:

- Day is defined as the period from 7 am to 6 pm Monday to Saturday and 8 am to 6 pm Sunday and Public Holidays;
- Evening is defined as the period 6 pm to 10 pm (all days); and
- Night is defined as the period from 10 pm to 7 am Monday to Saturday and 10 pm to 8 am Sunday and Public Holidays

L3.3 The noise limits set out in condition L3.1 apply under the following meteorological conditions:

Receiver	Assessment Period	NPfl Meteorological Condition	Description fo Meteorological Parameters
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Environment Protection Licence

Licence - 1323

Northern	Daytime	Noise-enhancing	3 m/s wind in ESE, SE, SSE, W, WNW, NW & NNW directions; stability categories A-D
Northern	Daytime	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D
Northern	Evening	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D
Northern	Night	Noise-enhancing	Stability category F; no wind component
Northern	Night	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D
Southern	Daytime	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D
Southern	Evening	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D
Southern	Night	Noise-enhancing	Stability category F; no wind component
Southern	Night	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D

Note: ESE = East southeast, SE = Southeast, SSE = South southeast, W = West, WNW = West northwest, NW = Northwest, NNW = North northwest

Wind in source-to-receiver direction was considered using the closest direction in a 16-direction compass to the source-to-receiver direction.

L3.4 For those meteorological conditions not referred to in condition L3.1, the noise limits that apply are the noise limits in condition L3.1 plus 5 dB.

L3.5 For the purposes of condition L3.3 to be determined from meteorological data obtained from the meteorological weather station identified as Maxwell Infrastructure CHPP AWS and
b) Stability Category shall be determined by the sigma theta method referred to in Fact Sheet D of the Noise Policy for Industry (NSW EPA, 2017).

L3.6 To determine compliance:

- a) with the $Leq(15 \text{ minute})$ noise limits in condition L3.1, the noise measurement equipment must be located:
- approximately on the property boundary, where any dwelling is situated 30 m or less from the property boundary closest to the Premises; or
 - within 30 m of a dwelling façade, but not closer than 3 m, where any dwelling on the property is situated more than 30 m from the property boundary closest to the Premises; or, where applicable

Environment Protection Licence

Licence - 1323

iii) within approximately 50 m of the boundary of a National Park or a Nature Reserve.

b) with the Leq(15 minute) noise limits in condition L3.1, the noise measurement equipment must be located:

- i) at the most affected point at a location where there is no dwelling at the location; or
- ii) at the most affected point within an area at a location prescribed by condition L3.6 a).

L3.7 A non-compliance of condition L3.1 will still occur where noise generated from the Premises is measured in excess of the noise limit at:

- a) a location other than an area prescribed by conditions L3.6 a) and L3.6 b); and/or
- b) a point other than the most affected point at a location.

Note: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the Premises.

L3.8 For the purposes of determining the noise generated at the Premises, the modification factors in Table C1 in Fact Sheet C of the Noise Policy for Industry (NSW EPA, 2017) must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

L3.9 Noise measurements must not be undertaken during rain or where wind speed at microphone level will affect the acquisition of valid sound pressure level measurements.

L4 Blasting

L4.1 The airblast overpressure level from blasting operations in or on the premises must not exceed: 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; at either monitoring point 13, 14 or 15 in Condition P1.4.

L4.2 The airblast overpressure level from blasting operations in or on the premises must not exceed: 120 dB (Lin Peak) at any time; at either monitoring point 13, 14 or 15 in Condition P1.4.

L4.3 The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: 5 mm/second for more than 5% of the total number of blasts during each reporting period; at either monitoring point 13, 14 or 15 in Condition P1.4.

L4.4 The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: 10 mm/second at any time; at either monitoring point 13, 14 or 15 in Condition P1.4.

L4.5 Blasting in or on the Premises must only be carried out between 0900 hours and 1700 hours, Monday to Saturday (inclusive). Blasting in or on the Premises must not take place on Sundays or Public Holidays without the prior written approval of the EPA.

L4.6 Offensive blast fume must not be emitted from the premises.

Definition:

Environment Protection Licence

Licence - 1323

Offensive blast fume means post-blast gases from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:

- 1. are harmful to (or likely to be harmful to) a person that is outside the premises from which it is emitted, or*
- 2. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.*

4 Operating Conditions

O1 Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner.

This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O2 Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:

- a) must be maintained in a proper and efficient condition; and
- b) must be operated in a proper and efficient manner.

O3 Dust

O3.1 Activities occurring at the Premises must be carried out in a manner that minimises the generation of dust at the Premises.

O3.2 The Premises must be maintained in a condition which prevents the emission of dust from the Premises

O3.3 No material, including sediment or oil is permitted to be tracked from the Premises.

O4 Other operating conditions

O4.1 There must be no incineration or open burning of any material(s) on the premises, except as specifically authorised by the EPA.

O4.2 The Licensee must not cause or permit the emission of offensive odour beyond the boundary of the Premises.

O4.3 The construction of the ventilation shaft must include sampling ports built in accordance with the AS

Environment Protection Licence

Licence - 1323

4323.1-1995 (Stationary source emission, Method 1: Selection of sampling positions).

- O4.4 The proponent must ensure that any item of non-road mobile diesel equipment commissioned into service and operating at the Premises after June 30 2020:
- i) complies with the US EPA Tier 4 final or equivalent exhaust emission standard; or
 - ii) is otherwise approved, in writing, by the NSW EPA for use on the Premises

Note: 1 - 'commissioned into service' is defined as the act of using the item of non-road mobile diesel equipment for commercial or industrial activities for the first time in Australia.

2 - US EPA Tier 4 final is defined by US EPA (2016), *Non-road Compression-Ignition Engines: Exhaust Emission Standards*, EPAA-420-B-16-022, March 2016, U.S. Environmental Protection Agency, Office of Transport and Air Quality (6401A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460, United States. <https://www.epa.gov/emission-standards-reference-guide/nonroad-engines-and-vehicles-emission-standards>. Acceptable equivalent standards include EU stage V and any other international non-road emission standard with emission limits equal to or lower than the applicable US EPA Tier 4 standard.

3 - For the purpose of this condition, *non-road mobile diesel equipment* means:

- i) equipment fitted with a diesel (compression ignition) engine, that is either self-propelled or portable and transportable as indicated by the presence of wheels, skids, lifting handles/points, dolly, trailer or platform mounted; and
- ii) which is primarily designed for off-road use; and
- iii) is not an eligible vehicle under the NSW Road Transport (Vehicle Registration) Regulation 2007, but may be conditionally registered for the purpose of moving from one off-road work site to another; but does not include
 - a. equipment primarily designed to be operated on public roads for the transportation of freight or passengers
 - b. diesel locomotives
 - c. diesel generators
 - d. equipment principally designed and intended for use underground.

- O4.5 The proponent must construct, implement and utilise a wastewater management system to manage the collection, storage, treatment and disposal of all sewage effluent and related wastewater generated onsite.
- O4.6 The wastewater management system/s in use at the Premises must be inspected and assessed by a suitably qualified and experienced wastewater technician at least once in each quarterly period and a minimum of four times per year and serviced as required.
- O4.7 In relation to condition O4.5, the Proponent must record details of each inspection undertaken (date and time), the actions required or recommended following each inspection, the date those actions were completed or detail the reasons if they were not completed and the results of any test performed on the wastewater management system by the technician.
- O4.8 Spray from effluent application to the utilisation area(s) must not drift beyond the boundary of the utilisation area(s) to which it has been applied.
- O4.9 Effluent application to the utilisation area(s) must not occur in a manner that causes surface run-off from the utilisation area(s).
- O4.10 The quality of effluent/solids applied to the utilisation area must not exceed the capacity of the area to

Environment Protection Licence

Licence - 1323

effectively utilise the effluent/solids. For the purposes of this condition, 'effectively utilise' includes the use of the effluent/solids for pasture or crop production, as well as the ability to absorb the nutrient, salt, hydraulic load and organic material.

- O4.11 The Proponent must, as far as reasonably possible, follow the waste hierarchy principles contained in the Waste Avoidance and Resource Recovery Act 2001 when dealing with any waste generated at the Premises.
- O4.12 The Proponent must assess and classify any waste generated at the Premises in accordance with the 'Waste Classification Guidelines - Part 1: Classifying Waste' (EPA, 2014) and manage this waste in a lawful manner.
- O4.13 The Proponent must maintain a waste register that tracks any waste received at or transported from the Premises that clearly identifies each entity and vehicle involved in the waste transaction and the Premises from which or to which the waste originated or was transported to.
- O4.14 The Proponent must retain all waste related records in a legible form, or in a form that can be readily reduced to a legible form, for at least 4 years after the record was made.
- O4.15 All above ground tanks and containers containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place. Bunds must:
- have wall and floors constructed of impervious materials;
 - be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);
 - have floors graded to a collection sump; and
 - not have a drain valve incorporated in the bund structure, or be constructed and operated in a manner that achieves the same environmental outcome.
- O4.16 The Proponent must have in place adequate procedures including notification requirements to the Appropriate Regulatory Authority and other relevant authorities for incidents that cause, or have the potential to cause, material harm to the environment (Part 5.7 of the POEO Act).

5 Monitoring and Recording Conditions

M1 Monitoring records

- M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- M1.2 All records required to be kept by this licence must be:
- in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
- the date(s) on which the sample was taken;
 - the time(s) at which the sample was collected;
 - the point at which the sample was taken; and
 - the name of the person who collected the sample.

Environment Protection Licence

Licence - 1323

M2 Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

M2.2 Air Monitoring Requirements

POINT 8,9,10,11

Pollutant	Units of measure	Frequency	Sampling Method
PM10	micrograms per cubic metre	Continuous	Special Method 1

Note: Special Method 1 means: monitoring in strict accordance with the operating procedures of monitoring equipment approved in writing by the EPA.

M3 Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

- any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
- if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
- if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2021* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

M4 Weather monitoring

M4.1 At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.

Environment Protection Licence

Licence - 1323

POINT 12

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Rainfall	AM-4	millimetres per hour	1 hour	Continuous
Sigma Theta	AM-2 & AM-4	Degrees	15 minutes	Continuous
Temperature at 2 metres	AM-4	Celsius	15 minutes	Continuous
Temperature at 10 metres	AM-4	Celsius	15 minutes	Continuous
Wind Direction at 10 metres	AM-2 & AM-4	Degrees	15 minutes	Continuous
Wind Speed at 10 metres	AM-2 & AM-4	metres per second	15 minutes	Continuous
Relative humidity	AM-4	percent	1 hour	Continuous

M4.2 The meteorological station identified as Maxwell Infrastructure CHPP AWS must be maintained so as to be capable of continuously monitoring the parameters specified in condition M4.1.

M4.3 The Licensee must develop and implement a calibration, quality assurance, quality control and audit program for the meteorological monitoring station. The program must be approved by the EPA prior to the installation of any new monitoring equipment.

M5 Recording of pollution complaints

M5.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M5.2 The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M6 Telephone complaints line

M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

Environment Protection Licence

Licence - 1323

M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M6.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

M7 Blasting

M7.1 To determine compliance with conditions L4.1, L4.2, L4.3 and L4.4:

- a) Airblast overpressure and ground vibration levels must be measured and electronically recorded for monitoring points 13, 14 and 15 for the parameters specified in Column 1 of the table below; and
- b) The licensee must use the units of measure, sampling method, and sample at the frequency specified opposite in the other columns.

Parameter	Units of Measure	Frequency	Sampling Method
Airblast Overpressure	Decibels (Linear Peak)	All blasts	Australian Standard AS 2187.2-2006
Ground Vibration Peak Particle Velocity	millimetres/second	All blasts	Australian Standard AS 2187.2-2006

M8 Other monitoring and recording conditions

M8.1 Requirement to Monitor Particulate Matter

The Licensee must record the average PM10 concentration at Monitoring Points 8, 9, 10 and 11 at intervals of 10 minutes. This data must be made available upon request by any Authorised Officer of the EPA who asks to see them.

M9 Noise monitoring

M9.1 Attended noise monitoring must:

- a) occur monthly in a reporting period
- b) occur during each day, evening and night period for a minimum of:
 - i) 1.5 hours during the day
 - ii) 30 minutes during the evening; and
 - iii) 1 hour during the night,
- c) occur for three consecutive operating days or as otherwise specified by the EPA

6 Reporting Conditions

R1 Annual return documents

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

1. a Statement of Compliance,

Environment Protection Licence

Licence - 1323

2. a Monitoring and Complaints Summary,
3. a Statement of Compliance - Licence Conditions,
4. a Statement of Compliance - Load based Fee,
5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
7. a Statement of Compliance - Environmental Management Systems and Practices.

At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.

R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

R1.3 Where this licence is transferred from the licensee to a new licensee:

- a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:

- a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.

R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect *EPA* or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.

R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a) the licence holder; or
- b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R1.8 The licensee must report any exceedence of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedence becomes known to the licensee or to one of the licensee's employees or agents.



Environment Protection Licence

Licence - 1323

R2 Notification of environmental harm

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.

R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

- a) where this licence applies to premises, an event has occurred at the premises; or
- b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

- a) the cause, time and duration of the event;
- b) the type, volume and concentration of every pollutant discharged as a result of the event;
- c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
- d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- g) any other relevant matters.

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

R3.5 Reporting of exceedences of blasting limits

The licensee must report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.

R3.6 Spontaneous Combustion Control Program Reporting

The monthly summaries, assessments and maps prepared under the spontaneous combustion control

Environment Protection Licence

Licence - 1323

program must be submitted to the EPA in the form of a half yearly report. The licensee must forward a copy of each report to the regional office of the EPA no later than (2) months after the half yearly period being reported.

R3.7 The monthly summaries, assessments and maps must be retained by the licensee for not less than three (3) years following the period under review. The records must be kept in a legible form and must be made available to any authorised officer of the EPA on request

R3.8 Noise Monitoring Report

The Proponent must provide a Noise Compliance Assessment Report each year. The assessment must be prepared by a suitably qualified acoustic consultant and include:

- a) an assessment of compliance with noise limits detailed in the limit conditions of this Licence; and
- b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits detailed in limit conditions of this Licence.

R3.9 Surface Water Report

The Proponent must provide a Surface Water Monitoring Report each year, which must include the following information during the respective monitoring period:

- a) the date and time of the monitoring;
- b) the location of the monitoring consistent with those in Table 9.1 of the Surface Water Assessment (WRM, 2019);
- c) analysis and trends for the monitoring parameters given in Table 9.1 of the Surface Water Assessment (WRM, 2019); and
- d) an explanation for changes in parameter concentrations with a summary of any investigations or mitigation actions undertaken.

This information may be incorporated into the Annual Review required to be prepared under the conditions of Development Consent 9526.

R3.10 Groundwater Monitoring Report

The Proponent must provide a Groundwater Monitoring Report each year, which must include the following information during the respective monitoring period:

- a) the date and time of the monitoring;
- b) the location of the monitoring consistent with those in Table 9.1 of the Groundwater Assessment (Hydro Simulations, 2019);
- c) analysis of trends for the monitoring parameters given in Table 9.1 of the Groundwater Assessment (Hydro Simulations, 2019);
- d) an explanation for changes in parameter concentrations with a summary of any investigations or mitigation actions undertaken.

This information may be incorporated into the Annual Review required to be prepared under the conditions of Development Consent 9526.

R3.11 Sewage Treatment System Maintenance Report

The Proponent must provide a Sewage Treatment System Maintenance Report each year that provides details of the actions required by conditions O4.5 to O4.7.

Environment Protection Licence

Licence - 1323

7 General Conditions

G1 Copy of licence kept at the premises or plant

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.
- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

8 Pollution Studies and Reduction Programs

U1 V Notch Weir Monitoring Program

U1.1 The licensee must:

1. Conduct a targeted V Notch weir ('the weir') monitoring program that includes:
 - Continued monthly monitoring of water quality at the V Notch Weir (the Weir) (pollutants/parameters to include those reported in the document titled 'Access Road Dam' dated 24 September 2014, pg 4).
 - real-time flow monitoring at the weir and recording of daily flows (in L/day)
 - rainfall monitoring (existing licence condition M4.1)
 - monitoring at the groundwater monitoring bore (DS1) on a monthly basis for the following parameters: groundwater level, electrical conductivity, pH, total dissolved solids, and salinity.
 - monitoring of electrical conductivity in the Access Road Dam (at least quarterly) at 3 different depths within the dam – 30cm, 4m and 8m depth.

2. Return all water draining to the Weir back to the Access Road Dam (or an alternate 'dirty' water dam on the premises) to ensure that saline water is not discharged from the premises. Pumping is to commence no later than 28 August 2015.

9 Special Conditions

E1 Spontaneous combustion control program

E1.1 Spontaneous combustion control program

Carbonaceous material that is prone to self heating and which is not extracted as run of mine coal must be selectively removed and purposely disposed of in such a manner that will prevent the development of spontaneous combustion at the disposal site.

The licensee must implement a Spontaneous Combustion Control Program which must include, but may not be limited to, the following:-

- (a) A monthly summary of actions and procedures undertaken to prevent the development or to control the spread of spontaneous combustion at the premises.



Environment Protection Licence

Licence - 1323

- (b) An assessment of the effectiveness of the actions and procedures undertaken every month in preventing the development and control of the spread of spontaneous combustion at the premises.
- (c) Monthly mapping of the approximate location of the areas subject of spontaneous combustion at the premises. The map must show the respective areas in square metres of each area affected and must include a key to show the relative intensity of the heatings.

Environment Protection Licence

Licence - 1323

Dictionary

General Dictionary

3DGM [in relation to a concentration limit]	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
Act	Means the Protection of the Environment Operations Act 1997
activity	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
actual load	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
AM	Together with a number, means an ambient air monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
AMG	Australian Map Grid
anniversary date	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
annual return	Is defined in R1.1
Approved Methods Publication	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
assessable pollutants	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
BOD	Means biochemical oxygen demand
CEM	Together with a number, means a continuous emission monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
COD	Means chemical oxygen demand
composite sample	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
cond.	Means conductivity
environment	Has the same meaning as in the Protection of the Environment Operations Act 1997
environment protection legislation	Has the same meaning as in the Protection of the Environment Administration Act 1991
EPA	Means Environment Protection Authority of New South Wales.
fee-based activity classification	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
general solid waste (non-putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

Environment Protection Licence

Licence - 1323

flow weighted composite sample	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
general solid waste (putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
grab sample	Means a single sample taken at a point at a single time
hazardous waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
licensee	Means the licence holder described at the front of this licence
load calculation protocol	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
local authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
material harm	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
MBAS	Means methylene blue active substances
Minister	Means the Minister administering the Protection of the Environment Operations Act 1997
mobile plant	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
motor vehicle	Has the same meaning as in the Protection of the Environment Operations Act 1997
O&G	Means oil and grease
percentile [in relation to a concentration limit of a sample]	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
plant	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
pollution of waters [or water pollution]	Has the same meaning as in the Protection of the Environment Operations Act 1997
premises	Means the premises described in condition A2.1
public authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
regional office	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
reporting period	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
restricted solid waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
scheduled activity	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
special waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
TM	Together with a number, means a test method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .

Environment Protection Licence

Licence - 1323

TSP	Means total suspended particles
TSS	Means total suspended solids
Type 1 substance	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
Type 2 substance	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
utilisation area	Means any area shown as a utilisation area on a map submitted with the application for this licence
waste	Has the same meaning as in the Protection of the Environment Operations Act 1997
waste type	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non-putrescible), special waste or hazardous waste
Wellhead	Has the same meaning as in Schedule 1 to the Protection of the Environment Operations (General) Regulation 2021.

Mr Mitchell Bennett

Environment Protection Authority

(By Delegation)

Date of this edition: 18-September-2000

Environment Protection Licence

Licence - 1323

End Notes

- 1 Licence varied by notice 1003018, issued on 06-Dec-2000, which came into effect on 31-Dec-2000.
- 2 Licence varied by notice 1008465, issued on 19-Jul-2001, which came into effect on 13-Aug-2001.
- 3 Condition HRSTS Non Dis Note - Credit Holder in "the Scheme" varied by notice issued on <issue date> which came into effect on <effective date>
- 4 Licence varied by notice 1013305, issued on 07-Dec-2001, which came into effect on 01-Jan-2002.
- 5 Licence varied by notice 1024224, issued on 10-Feb-2003, which came into effect on 20-Feb-2003.
- 6 Licence varied by notice 1025260, issued on 26-Feb-2003, which came into effect on 23-Mar-2003.
- 7 Licence varied by notice 1039953, issued on 28-Sep-2004, which came into effect on 23-Oct-2004.
- 8 Licence varied by notice 1043446, issued on 21-Feb-2005, which came into effect on 18-Mar-2005.
- 9 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 10 Licence varied by notice 1094057, issued on 21-Jul-2009, which came into effect on 21-Jul-2009.
- 11 Licence varied by notice 1104324, issued on 27-Nov-2009, which came into effect on 27-Nov-2009.
- 12 Licence varied by notice 1119501, issued on 18-Feb-2011, which came into effect on 18-Feb-2011.
- 13 Licence varied by notice 1501073 issued on 26-Aug-2011
- 14 Licence varied by notice 1502331 issued on 21-Dec-2011
- 15 Licence varied by notice 1510493 issued on 21-Mar-2013
- 16 Licence varied by notice 1516248 issued on 05-Sep-2013
- 17 Licence varied by notice 1522183 issued on 21-Oct-2014
- 18 Licence varied by notice 1525756 issued on 28-Jan-2015
- 19 Licence varied by notice 1528100 issued on 26-Feb-2015
- 20 Licence varied by notice 1528961 issued on 23-Mar-2015
- 21 Licence varied by notice 1529346 issued on 16-Apr-2015



Environment Protection Licence

Licence - 1323

22	Licence varied by notice	1532406 issued on 28-Aug-2015
23	Licence varied by notice	1536002 issued on 28-Nov-2016
24	Licence varied by notice	1556974 issued on 25-Sep-2017
25	Licence varied by notice	1609125 issued on 30-Jul-2021